

01-17-06 12:06pm From-MSL Copy Room 2, Right

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January 13, 2006

BY FACSIMILE AND U.S. MAIL

Curtis P. Cheyney, III, Esq.
Swartz Campbell LLC
1601 Market Street, 34th Floor
Philadelphia, PA 19103

RE: Eames v. Nationwide Mut. Ins. Co.
C.A. No.: 04-CV-1324KAJ

Dear Curt:

In my e-mail message of November 9, 2005, we set forth the Eames plaintiffs' objection (pursuant to Paragraph 12 of the Stipulated Protective Order) to Nationwide's designation of its responses to our first set of interrogatories as Confidential Material. Under Paragraph 12, Nationwide's responses could remain Confidential Material only by Nationwide's filing of the required motion within ten business days of our objection. Because no such motion was ever made, the responses are no longer Confidential Material.

On a related matter, I note that Nationwide produced 343 pages of documents on January 9, 2006. The bulk of that production consists of memos, circulars and forms generated by the Delaware Department of Insurance. In our view, none of the production is properly Confidential Material; and certainly not the many DOI documents. Yet Nationwide has designated every single page of the production as Confidential Material.

Nationwide's practice of designating everything it produces as Confidential Material is an abuse of the Stipulated Protective Order. It is also unduly burdensome to the Eames plaintiffs and their attorneys, who are then forced (at peril of civil contempt) to give special treatment to the documents so designated.

Nationwide's blanket confidentiality designations are thus not harmless, and we will not let them go unchallenged. If Nationwide continues to designate documents as Confidential Material without regard to their nature, source or content, we will seek appropriate sanctions.

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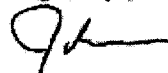
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Curtis P. Cheyney, III, Esq.
January 13, 2006
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Please note that, pursuant to Paragraph 12 of the Stipulated Protective Order, the Eames plaintiffs object to Nationwide's designation of the entire January 9 production (NW000001-344) as Confidential Material. We do not believe that any documents within that range are properly confidential.

Very truly yours,



John S. Spadaro

JSS/slr

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FROM: John S. Spadaro, Esq.

MESSAGE

TOTAL NUMBER OF PAGES, INCLUDING THIS COVER SHEET: 3

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